

## DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER  
COMMISSIONER RAPER  
COMMISSIONER ANDERSON  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL**

**FROM: EDWARD JEWELL  
DEPUTY ATTORNEY GENERAL**

**DATE: FEBRUARY 12, 2021**

**SUBJECT: IN THE MATTER OF THE FORMAL COMPLAINT OF WOOD HYDRO  
AGAINST IDAHO POWER COMPANY; CASE NO. IPC-E-20-28.**

On June 25, 2020, Wood Hydro, LLC (“Wood Hydro”) filed a formal complaint against Idaho Power Company (“Idaho Power” or “Company”) alleging Idaho Power improperly withheld payments due to Wood Hydro under a Firm Energy Sales Agreement (“FESA”) for the Mile 28 hydroelectric (“Mile 28 Hydro”) qualifying facility (“QF”).

On July 13, 2020, the Commission issued a Summons to Idaho Power directing the Company to respond to the formal complaint within 21 days.

On August 3, 2020, Idaho Power filed an Answer and Cross-Complaint. The Cross-Complaint is directed against Wood Hydro, Enel Green Power North America, Inc. (“Enel”) for the Rock Creek #2 QF, and Central Rivers Power US, LLC (“Central Rivers”) for the Lowline #2 QF.

On August 27, 2020, the Commission issued Summonses to Central Rivers and Enel, giving each company 21 days to respond to Idaho Power’s Cross-Complaint. The Commission also issued a Notice of Cross-Complaint, which aligned Wood Hydro’s time to reply with that of Central Rivers and Enel. Order No. 34764.

On September 17, 2020, Enel and Central Rivers filed separate Motions to Dismiss and Wood Hydro filed a Reply.

On October 1, 2020, Idaho Power filed an Answer to Cross-Respondents’ Motions to Dismiss.

On November 9, 2020, Idaho Power filed a Joint Motion to Stay.

On November 24, 2020, the Commission issued a Notice of Stay. Order No. 34846.

On January 25, 2021, the Company filed a Settlement Stipulation and Motion to Approve Settlement Stipulation. The parties requested the Commission approve the Settlement Stipulation without further proceedings, or alternatively, to process the motion under modified procedure as expeditiously as possible.

This matter appeared on the agenda for the February 2, 2021 decision meeting as a fully submitted matter.

### **STAFF RECOMMENDATION**

Staff recommends the Commission issue a Notice of Application and Notice of Modified Procedure and establish a 14-day comment period and a 7-day reply comment period.

### **COMMISSION DECISION**

Does the Commission wish to issue a Notice of Application and Notice of Modified Procedure and establish a 14-day comment period and a 7-day reply comment period?



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Edward J. Jewell  
Deputy Attorney General